

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE)	
LITIGATION)	MDL NO. 1456
)	Master File No. 01-12257-PBS
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THIS DOCUMENT RELATES TO)	
)	Subcategory Case No. 06-11337
<i>United States of America ex rel. Ven-A-</i>)	
<i>Care of the Florida Keys, Inc. v. Abbott</i>)	
<i>Laboratories, Civil Action No. 06- 11337</i>)	Hon. Patti B. Saris
)	
<i>United States of America ex rel. Ven-A-</i>)	
<i>Care of the Florida Keys, Inc. v. Dey</i>)	
<i>L.P., et al., Civil Action No. 05- 11084</i>)	
)	
<i>United States of America ex rel. Ven-A-</i>)	
<i>Care of the Florida Keys, Inc. v.</i>)	
<i>Boehringer Ingelheim Corp., et al., Civil</i>)	
<i>Action No. 07- 10248</i>)	
)	
<i>United States of America ex rel. Ven-A-</i>)	
<i>Care of the Florida Keys, Inc. v. Abbott</i>)	
<i>Laboratories, Civil Action No. 07-11618</i>)	
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**[PROPOSED] ORDER ON CONSENT MOTION TO MODIFY BRIEFING SCHEDULE
AND CONSOLIDATE OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS INTO ONE MEMORANDUM OF LAW**

THIS CAUSE is before the Court upon the parties CONSENT MOTION TO MODIFY
BRIEFING SCHEDULE AND CONSOLIDATE OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS INTO ONE MEMORANDUM OF LAW, it is hereby ORDERED as
follows:

1. The Motion is granted;

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2. With respect to *United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories*, Civil Action No. 06-11337 ("Abbott Case No. 06-11337"), *United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Dey L.P., et al.*, Civil Action No. 05- 11084 (the "Dey Case") and *United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp., et al.*, Civil Action No. 07- 10248 (the "Roxane Case"), further proceedings on the Defendants' motions to dismiss and supporting memoranda (Abbott, Master Docket 6179 & 6183; Roxane Master Docket 6196 & 6197; Dey Master Docket 6206 & 6209), and Plaintiffs' responses to those sections of Defendants' summary judgment memoranda related to each Defendant's motion to dismiss (Roxane/BI SJ Memo at 35-37; Abbott SJ Memo at 39-40; and, Dey SJ Memo at 39-40) shall be deferred until after the conclusion of the parties' summary judgment briefing, as follows:

Oppositions due: November 2, 2009

Replies due: November 23, 2009

Surreplies due: December 11, 2009

3. The Relator may consolidate its Opposition to the Motions to Dismiss in the Dey Case, the Roxane Case and the Abbott Case Number 06-11337 into one memorandum of law not to exceed 50 pages.

4. With respect to *United States of America ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories*, Civil Action No. 07-11618 ("Abbott Case No. 07-11618"),

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the Order on the *Joint Motion to Set Revised, Agreed Upon Briefing Schedule* entered by the Court on July 16, 2009 shall be modified as follows:

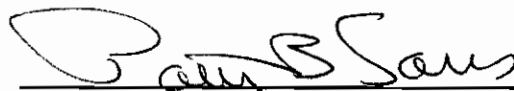
Responses/Oppositions due: November 2, 2009

Replies due: December 4, 2009

Sur-replies, if any, due: December 18, 2009

5. The Relator may incorporate its Opposition to the Motions to Dismiss filed in the Dey Case, the Roxane Case and Abbott Case No. 06-11337 by reference within its Opposition to the Motion to Dismiss filed in Abbott Case No. 07-11618.

ORDERED IN CHAMBERS at BOSTON, MASSACHUSETTS this 15 day of October, 2009.



UNITED STATES DISTRICT JUDGE PATTI B. SARIS